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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-eighth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by the International Federation of Human Rights a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV)

[6 August 1996]

Following the training seminar "Croatia on the doorstep of Europe" for activists of human rights associations in Croatia on the use of international and regional instruments of human rights protection at a local level (Stubicke, Croatia, 5-7 July 1996) organized by the International Federation for Human Rights (FIDH) and the Civic Committee of Human Rights in Zagreb (FIDH member organization) with the support of the European Union and the Council of Europe, the participating organizations agreed on the following recommendations:

Preamble:

Concerned by the situation of human rights in Croatia and in particular by the discrepancy between the explicit guarantees in the Constitution and the law and their actual practice;

Recalling the decision by the Council of Europe's Committee of Ministers on 2 July 1996 providing for Croatia's accession to the Council of Europe in October 1996;

Recalling that Croatia does not respect its international obligations deserving from its status as a State and from the Dayton Agreements;

On the subject of Croatia's international commitments:

The participants, deploring that Croatia remains one of the few European countries not to have ratified the 1951 Geneva Convention relating to the Status of Refugees, urge the Croatian authorities to sign this Convention without delay;

The participants, noting the recent ratification by Croatia of the Additional Protocol to the International Covenant on Civil and Political Rights, recommend that the rights guaranteed therein and the new means of recourse granted to individuals be given maximum publicity;

The participants ask the Croatian authorities to lift their reservation on article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, in order to allow the exercise of individual recourse;

The participants request the Croatian authorities to cooperate fully with the United Nations, on the one hand by presenting their overdue reports to the treaty monitoring bodies as promptly as possible and, on the other hand, by implementing the recommendations recently adopted by these bodies, notably by the Committee against Torture (CAT/C/16/SR.254 (1996)), the Committee on the Elimination of Racial Discrimination (A/50/18, paras. 163-178 (1995)) and the Committee on the Rights of the Child (CRC/C/15/Add.52 (1996));

On Croatia's commitments made to the Council of Europe:

The participants insist on full compliance by the Croatian authorities of their commitments to the Council of Europe as they appear in Opinion No. 195 (1996) of the Parliamentary Assembly on Croatia's application to accede to the Council of Europe, as well as compliance with their later commitments made to the Committee of Ministers on 2 July 1996;

In this context, desirous of an early ratification of the European Convention on Human Rights, which would be an important step in strengthening the rule of law, participants ask the Croatian authorities immediately to adapt their national legislation to bring it into conformity with the European standards immediately;

On the emergency measures of exception adopted by Croatia:

The participants, recalling the content of article 134 of the Croatian Constitution establishing the primacy of Croatia's international commitments over domestic legislation, underline that, in pursuance of article 4 of the

International Covenant on Civil and Political Rights regarding situations of exceptional public danger, emergency measures can allow no derogation from the principle of non-discrimination;

The participants urge the Croatian authorities to repeal the emergency decree (31/12/91-29/04/92) promulgated by the President of the Republic;

On respect of the principle of non-discrimination:

The participants, noting that the equality of Croatian citizens before the law is not guaranteed, request the Croatian authorities to put an end to all forms of discrimination concerning the right to housing, the right of employment, the right to social protection and the right to obtain citizenship;

The participants ask the Croatian authorities to guarantee that the right of reprieve, provided by law, be applied without discrimination to all citizens of the Republic of Croatia for all infringements, except war crimes;

On the rights of refugees, displaced persons and minorities:

The participants request the Croatian authorities to repeal the law amending the law on refugees and displaced persons (Official Bulletin 39/95 - 9 June 1995) which is the source of intolerable discriminatory situations;

The participants request the Croatian authorities to take all legal and practical measures in order to effectively ensure the right of the displaced persons and refugees to return to their homes, whatever their nationality;

The participants request the Croatian authorities to repeal the law on the provisional "taking charge of certain goods" (Official Bulletin 73/95 - September 1995) which leads to arbitrary situations;

The participants insist on respect for the Constitution of the Republic of Croatia by the Croatian authorities, in particular the constitutional law on the rights of national and ethnic minorities;

On the administration of justice:

The participants note that decisions by the judicial authorities remain ineffective and delayed and that the systematic non-application of judicial decisions generates serious human rights violations;

The participants also note that the mechanisms and criteria for appointment of judges do not guarantee the independence of the judiciary;

The participants firmly condemn this malfunctioning of legal institutions and ask the authorities to put an end to it by taking all necessary measures, since this is a sine qua non condition for the existence of a genuine rule of law;

On access to citizenship:

The participants ask the Croatian authorities to bring an end to all de facto interference prohibiting nationals of the Republic of Croatia, whatever their nationality, from exercising their legal right to citizenship;

Joint actions:

The participants decide to promote all forms of cooperation among human rights organizations in Croatia, by means of the Civic Committee for Human Rights and the FIDH on the one hand, and by means of international and regional institutions, notably the Council of Europe, on the other, in order to monitor the implementation of the adopted recommendations, and more generally in order to contribute to the protection of fundamental rights such as freedom of the press, of opinion and of association;

The participants recommend the development of training programmes concerning the use of international and regional human rights instruments and domestic remedies at a local level;

The participants decide, to this end, to create a group of legal experts, in association with the FIDH;

The participants ask the FIDH to alert the Special Rapporteur on the former Yugoslavia, Ms. Elisabeth Rehn, to the dramatic situation of the Serb citizens detained after the "Operation Storm" in Krajina, who are still awaiting trial, and to express to the Croatian authorities their grave concern about this human rights violation;

The participants invite the international community to support efforts by all human rights organizations in Croatia and to inform the Croatian authorities in order to ensure a full and effective implementation of these recommendations.

7 July 1996

List of the participating Croatian associations: Civic Committee for Human Rights, Zagreb; Anti-War Campaign - Group for Direct Protection, Zagreb; Helsinki Committee of Croatia, Zagreb; Dalmatie Solidarity Committee; Dalmate Action; Serb Democratic Forum, Zagreb; Rights Centre of Croatia, Zagreb; Pula Committee for Human Rights; Anti Trauma Centre, Zagreb; Democrat Social Union, Zagreb; Committee for Human Rights, Karlovac; Centre for Peace and Non Violence, Osijek; Action of Social Democrats, Zagreb; Democratic Sabor of Istria; Arkzin (weekly). Date: Friday, 26 July 1996, 09:17:35-0400.